

UNITED STATES DISTRICT COURT
for the
Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Oct 04, 2017

SEAN F. McAVOY, CLERK

UNITED STATES OF AMERICA)

v.)

ELVIA DOLORES BELTRAN)

Case No. 4:17-mj-07170-MKD

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the 2nd day of October 2017, in the county of Benton in the Eastern District of Washington, the defendant(s) violated:

Code Section
21 U.S.C. § 841(a)(1), (b)(1)(B)(i)

Offense Description
Possession with Intent to Distribute 100 Grams or More of a Mixture or Substance Containing a Detectable Amount of Heroin

This complaint is based on these facts:

☒ Continued on the attached sheet.

- ☐ Sworn to before me and signed in my presence.
☒ Sworn to telephonically and signed electronically.

Date: 10/4/2017

City and state: Yakima, Washington

Joe Br

Complainant's signature
TFO Joseph P. Brazeau, Federal Bureau of Investigation

Printed name and title

M. K. Dimke



Judge's signature
Mary K. Dimke, United States Magistrate Judge

Printed name and title

AUSA Assigned: SAV

County of Investigation: Benton

In Re: Affidavit for Criminal Complaint charging Elvia Dolores Beltran with Possession with the Intent to Distribute 100 grams or more of a Mixture or Substance Containing a Detectable Amount of Heroin, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B)(i).

AFFIDAVIT

STATE OF WASHINGTON)

) ss

Spokane County)

I, Joseph P. Brazeau, being first duly sworn on oath, depose and state:

INTRODUCTION

1. Your Affiant is currently a full time Detective for the Richland Police Department, and has been employed by the Richland Police Department since July of 1994. From May of 1998 until December of 2002, your Affiant was assigned to the Richland Police Department Detectives Division. During this time, your Affiant investigated felony property crimes and crimes against persons including rape, robbery, and homicide. From December of 2002 until May of 2006, your Affiant was assigned to the Tri-City METRO Drug Task Force. During this time, your Affiant became familiar with Evidence Law, Seizure Law, Probable Cause, Drug Investigation and Identification from a patrol and Narcotics Investigator stand-point. From December of 2009 until April of 2010, your Affiant was selected as a Task Force Officer with the Federal Bureau of Investigation's Violent Gangs Task Force. During that time, your Affiant had participated in the investigation of

several criminal organizations involved in drug trafficking, money laundering, and firearm violations at the State and Federal level. In September of 2016, your Affiant was again reassigned to the same Task Force.

2. In April of 2003, your Affiant completed 40 hours of Basic Clandestine Laboratory Safety and Operation Instruction, including eight hours of Methamphetamine Laboratory Manufacturing Methods and Sampling Instruction from a certified Washington State Patrol Crime Laboratory Chemist. In March of 2004, your Affiant completed 80 hours of DEA basic training for law enforcement officers. The training involved, but was not limited to, instruction on drug identification and effects, surveillance techniques, undercover operations, and proper evidence handling.

3. During your Affiant's time as a law enforcement officer, your Affiant has been involved in hundreds of investigations of individuals who derive substantial income from the importation, manufacturing, distribution and/or sale of illegal controlled substances. Your Affiant has either directed or assisted in the execution of numerous warrants to search particular places or premises for controlled substances and/or related paraphernalia, indicia and other evidence pertaining to violations of federal drug narcotics statutes. In addition, your affiant has provided investigative expertise and assistance to various agents of the DEA/FBI and other law enforcement agencies in their investigations of individuals, organizations, and businesses involved in the trafficking of illegal controlled substances. As a result of this, your Affiant has encountered and become familiar with various tools, methods, and trends utilized by various traffickers in their efforts to import, conceal, distribute and manufacture controlled substances.

4. Your Affiant has caused, or participated in, numerous drug investigations of non-traditional organized crime, complex drug conspiracies, as well as continuing criminal enterprise activities tied to the manufacture, illegal importation, transportation, possession and sale of controlled substances. Your Affiant has interviewed numerous confidential informants, defendants, participant witnesses, and other persons who have personal knowledge of the distribution, importation, concealment, and manufacture of narcotics, and the amassing, spending, converting, transporting, distributing, laundering and concealing of proceeds that are illegally derived from the trafficking of narcotics. Your Affiant has also had experience in the execution of court authorized interception of wire and electronic communications. Your Affiant has participated and/or provided testimony in judicial proceedings and prosecutions for violations of controlled substance laws.

5. Your Affiant has knowledge of the following information based on his own observations and investigation as well as information that she has learned from other law enforcement officers, to include but not limited to verbal discussions with other law enforcement officers named in this Affidavit. Your Affiant has participated in interviews with cooperating defendants pending federal and/or state charges, talked with officers involved in this investigation, reviewed reports by other officers, and reviewed subpoenaed employment documents of individuals believed to be involved in this investigation. Again, as previously noted, because this affidavit is being submitted solely for establishing probable cause to obtain a tracking warrant pursuant to Federal Rules of Criminal Procedure 41, I have not included each and every fact known to me concerning this investigation. I only have set forth facts necessary to support the authorization of the requested warrant.

BACKGROUND

7. In May 2017, members of the FBI Eastern Washington Violent Gang Safe Streets Task Force (EWVGSSTF) identified Elvia Dolores Beltran (hereinafter referred to as Beltran), date of birth, 04/13/19XX, as a suspected courier of narcotics. The on-going investigation into Beltran and her activities showed that she utilized WA LIC# SH16280, a 2015 Nissan Pathfinder registered to Juana Peraza (Beltran's sister) in furtherance of her narcotics trafficking. Since the subject vehicle was located in Federal Way, WA at a residence utilized by Beltran, your affiant received assistance from the FBI Tacoma office, SA Terry Postma. On August 17, 2017, the Honorable U.S. Magistrate Judge Theresa L. Fricke, Western District of Washington, signed a warrant authorizing GPS tracking of this vehicle (GJ17-306). That same day, the tracker was installed in the WDWA and your affiant began to monitor the GPS/Ping data.

8. On September 27, 2017, the vehicle tracker showed the vehicle leaving the area of Beltran's last known address in Federal Way, WA. The vehicle travelled into the Eastern District of Washington and continued south through Oregon and Nevada. On September 28, 2017, the vehicle eventually stopped in the area of Chandler, AZ.

9. On October 1, 2017, the vehicle left the Chandler area and began to travel northbound into Nevada. Based on your Affiant's training and experience, as well as the on-going investigation into Beltran's activities, your Affiant knows that driving straight through multiple states with limited stops and only staying at the final destination location for 2-3 days is consistent behavior with narcotics traffickers/couriers.

10. Your Affiant continued to monitor the vehicle tracker as it travelled through Nevada, Idaho, Oregon, and into the Eastern District of Washington. On October 2, 2017, members of the EWVGSSTF deployed to the area of Pendleton, OR to observe the vehicle. Your Affiant was able to personally observe the vehicle and confirm that Beltran was the driver at approximately 6:34pm.

11. Your Affiant arranged with Kennewick Police K9 Officer Isaac Merkl to conduct an investigative stop on the vehicle in the area of Kennewick, WA. Officer Merkl stopped the vehicle without incident. Officer Brad Kohn assisted. The traffic stop was not recorded. The Kennewick Police Department does not utilize traffic cameras or body cameras for their officers. Officer Merkl advised your affiant that Beltran told him that she had been in the Las Vegas area and that she had not gone anywhere else. Ofc. Merkl asked if there are any drugs in the vehicle; Beltran replied telling Ofc. Merkl he could search the vehicle. Officer Merkl presented Beltran with the opportunity to sign a written consent waiver. Ofc. Merkl stated that Beltran appeared to be nervous in signing the document. As witnessed by Ofc. Kohn, Ofc. Merkl asked Beltran if she did not want to sign the document but still was giving consent to search the vehicle. Beltran replied yes. At that time, Ofc. Merkl initiated the search of her vehicle based upon her verbal consent.

12. Officer Merkl located a package under the driver's seat of the vehicle. Officer Merkl examined the package and based on his training and experience, the method of packaging, the color being black and tar like and odor of vinegar consistent with heroin, believed the item to be approximately two pounds of suspected heroin. Officer Merkl made the statement in the presence of Beltran that he located drugs. Beltran responded with the unsolicited statement that they were not hers. Officer Merkl conducted a field test on the suspected heroin but the

results were inconclusive. Officer Merkl declined to conduct a second test out of concerns for possible Fentanyl exposure.

13. Based upon your Affiant's training and experience, Fentanyl distribution has recently increased in this district as a synthetic heroin. Fentanyl is a very dangerous substance that can cause fatal overdose with limited dosage and exposure. It is a transdermal, which can increase unintended exposure and subsequent overdose specifically to first responders like EMS and law enforcement. Your Affiant is aware that Officer Merkl and other local law enforcement are under new protocol not to open packaging of suspected Fentanyl to avoid these potential risks. Your Affiant is also aware that if the substance is suspected Fentanyl, there is no current field test or NIK test to confirm its presence. Your Affiant is also aware that the field tests for heroin do not always accurately note its presence. Your Affiant has personally been a part of several investigations where heroin was confirmed to be present by the lab, however, the field test did not note positive.

14. Beltran was taken into custody by Officer Merkl on his probable cause for possession of heroin with intent to deliver. Beltran's vehicle was seized pending application for a search warrant. Beltran invoked her right to remain silent after being advised of her Miranda rights.

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CONCLUSION

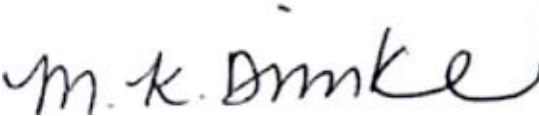
15. Based upon the above facts, your Affiant believes probable cause exists to charge Elvia BELTRAN with Possession with the Intent to Distribute 100 grams or more of a mixture or substance containing a detectable amount of Heroin, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B)(i).

I declare under penalty of perjury that the statements above are true and correct to the best of my knowledge and belief.



Joseph P. Brazeau, Task Force Officer
Federal Bureau of Investigation

Sworn to telephonically and signed electronically this ^{4th} _____ day of October 2017.



Honorable Mary K. Dimke
United States Magistrate Judge

